

EXHIBIT D

Civil Court of the City of New York

County of New York

Part SC

Index Number

SCNY 3001/11
3002/11

Adrian B. Smith

Claimant(s)/Plaintiff(s)/Petitioner(s)

against

Carlor Fitzgerald LP, and
Howard Lutnick

Defendant(s)/Respondent(s)

DECISION/ORDER

After a trial on April 26, 2012, plaintiff failed to substantiate his claims against either defendant. Plaintiff claimed to be a domestic consultant and offered about seven candidates for an interview by defendant Lutnick's agents for the position of a butler. Plaintiff claimed none of his candidates were hired because defendant's agents discriminated against them based on their age. However, his assertions were pure hearsay with no collaboration or any support. Moreover, there is no indicia of even a contract, agreement or any privity between plaintiff and defendants. This claim is frivolous, and accordingly the complaint is dismissed.

5/11/12

Date

Judge, Civil Court

MARGARET A. CHAN
JUDGE, CIVIL COURT